

Application No. 10/670,379
Supplemental Amendment dated June 1, 2007
Reply to Office Action of January 5, 2007

Docket No.: 0465-1035P

REMARKS

This Reply is supplemental to the Amendment filed on April 2, 2007.

Claims 1, 4-5, 8, 10-13, 23-24, 26, 32-33, 36-37, 45, 48-49 and 52-58 are pending in the present application. By this reply, new claim 58 has been added. Claims 1, 26, 48 and 58 are independent.

The claims have been amended to clarify the invention and to correct minor informalities according to U.S. patent practice. These modifications do not add new matter.

Interview Conducted & New Claim

Applicants appreciate the Examiner for the personal interview conducted with Applicants' representative on May 24, 2007 and for the Interview Summary.

Without acquiescing to the Examiner's allegations made in the last Office Action to reject the claims, but to advance prosecution only, independent claims 1, 26 and 48 have now been amended to recite "a start position of a respective recording unit" (emphasis added) to further define over the prior art including Takahashi, as discussed during the interview. Accordingly, independent claims 1, 26 and 48 and their dependent claims (due to the dependency) are allowable.

New claim 58 recites, *inter alia*, "recording at least two temporary defect list pointers as position information indicating respectively positions of at least two recording units in the temporary defect list in the temporary defect management area" (emphasis added). This feature was also discussed during the interview as one of the distinguishing features of the present invention over the prior art including Takahashi. Thus, allowance of claim 58 is respectfully requested and deemed proper.

35 U.S.C. § 102 and § 103 Rejections

Claims 1 4-5, 9-14, 17-18, 21-22, 25-29, 32-33, 36-38 and 46-51 remain rejected under 35 U.S.C. § 102(e) as being anticipated by Takahashi (US2006/0077827). Claims 2-3, 6-7, 15-16, 19-20, 30-31, 34-35 and 39-44 remain rejected under 35 U.S.C. § 103(a) as being

Application No. 10/670,379
Supplemental Amendment dated June 1, 2007
Reply to Office Action of January 5, 2007

Docket No.: 0465-1035P

unpatentable over Takahashi in view of Martens (US2005/0083830). These rejections are respectfully traversed.

As pointed out by Applicants' representative during the interview, Takahashi does not teach or suggest a temporary defect management area, but a conventional defect management area. Further, in Takahashi, the pointer (e.g., 4B) points to the start position of a defect management area (not a temporary defect management area), whereas in Applicants' invention, the pointer indicates a start position of a respective recording unit in the temporary defect list as claimed. In view of the above amendments to each independent claim which was discussed during the Interview as overcoming Takahashi, independent claims 1, 26 and 48 and their dependent claims (due to the dependency) are patentable over the applied reference(s), and the rejections should be withdrawn.

JUN 01 2007

Application No. 10/670,379
Supplemental Amendment dated June 1, 2007
Reply to Office Action of January 5, 2007

Docket No.: 0465-1035P

CONCLUSION

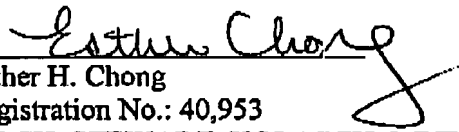
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong Reg. No. 40,953 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 1, 2007

Respectfully submitted,

By 
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant